

# VIDEO SCRIPT

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DEGREGORIO: This afternoon session is one that is an importance issue to all of us and certainly the Election Assistance Commission has followed the issue of military and overseas voting very carefully since our inception and since the Help America Vote Act directs the EAC to do certain things in this area. The challenge of providing the right to vote to those US citizens and military personnel living or stationed abroad is a unique one. The Department of Defense, in the form of the Federal Voting Assistance Program, is the agency charged with meeting that challenge. The EAC and the FVAP are working together to better understand the needs of these voters and the challenges involved in meeting those needs. As mandated by

the Help America Vote Act, the EAC and the FVAP conducted a study of overseas voters to get an idea of the problems they face in attempting to vote. Two years ago today in 2004, the EAC in conjunction with the FVAP, released a report on best practices for facilitating voting by US citizens covered by the Uniform Overseas Citizen Absentee Voting Act - commonly known to us in the election field UOCAVA voters. The best practices report dealt with many of the issues that UOCAVA voters and local election officials face in dealing with overseas voting. Among other things, the report recommended that states give at least 45 days for UOCAVA voters to be sent, receive and return their ballots. The study also encouraged the use of FAX machines and email to distribute ballots to voters abroad. Finally, the report recommended that the states post in their election websites procedures for UOCAVA citizens to follow in order to assure their vote is counted. The Department of Justice has recently taken the suggestion one step further by creating a website dedicated to inform military service personnel of their voting rights under UOCAVA. That website can be assessed at [www.servicemembers.gov](http://www.servicemembers.gov). I've had my own experience with voters overseas in working as a consultant in 15 different countries and meeting many Americans who work in our embassies and the private sector who would talk to me often about their inability to participate in US elections because of problems with the voting process. I certainly talked to members of the military on this issue, too. Next week at this time, I'll be testifying at the US Senate Armed Services Committee on this same subject and they are certainly interested in what we find out today from the people on our two panels. Today, we're going to hear from several members of the election community who are working on a daily basis to insure those citizens living or stationed abroad have every opportunity to vote and have their votes counted. The first panel we have, though, is comprised of an official from the FVAP and two representatives of advocacy groups trying to effectuate change in the area of overseas voting. The second panel will be state and local election officials who will talk about their experiences. Before I introduce our first panelist, I want to introduce somebody who's in the audience who really taught me everything I know when it comes to elections and particularly when it comes to military voters and she was the assistant director of elections when I was the director of elections in St. Louis County and I wasn't in office for one hour when she was

talking to me about military and overseas voters because that was part of her day-to-day responsibility. And, Rosemary {Koppner}, if you just wave your hand back there. My assistant, Rosemary. (applause) Rosemary is now retired but she, back in 1985, she really did a lot to help me be where I am today. Rosemary, I'm honored to have your presence today. 47 days from today is Election Day 2006. Our report has said it takes 45 days to serve people who are military and overseas voters so we know this is a timely discussion today that we're having on this subject. Without further ado, I'd like to introduce to you the Deputy Director of the Federal Voting Assistance Program, Scott Weidmann. Scott has been a person who has been deeply involved in this issue since 1993. I have known him for many years even prior to being on the EAC. He's a very dedicated Federal employee who believes in what he does every single day and works with the EAC, has worked with the EAC very closely over the last two and a half years to serve the UOCAVA voters of this nation. Scott, we'll turn to you first for your comments.

WEIDMANN: Thank you and greetings Mr. Chairman, Commissioners Hillman and Davidson, Executive Director Wilkey and Counselor Hodgkins. Mr. Chairman, I'd like to also take a moment to thank you for your years of public service including those as Commissioner on the EAC and now Chair of the EAC and wish you good luck and good health on all your future endeavors. We at the Federal Voting Assistance Program carry out the Uniformed and Overseas Citizens Absentee Voting Act. It's a Federal law which covers the voting rights of all members of the United States Armed Forces and their family members both inside the United and outside the United States as well as all US citizens outside the United States. The basic absentee voting process for those citizens is that they send in a Federal post card application form which is required by the UOCAVA and that's accepted as a request for registration and ballot request for all 50 states and four territories and the District of Columbia; and, they send that to the local election official who processes it to be sure that the individual meets the registration requirements for that locality and when ballots become available, they send a ballot to the individual at the address requested - where ever they may be in the world, where ever they may be serving or where ever they may be living in the world. And, the individual, upon receiving that blank ballot then votes it and mails it back in accordance with state law.

Sends it back in accordance with state law. After each Presidential election, the FVAP does a survey to determine the voting activity by those individuals covered by the act as well as the effectiveness of the FVAP's programs and materials as we work to reach out to those citizens and to educate them on what their state laws say in regards to participating in the process. In the 2004 election, our survey showed that 79% of the uniformed services voters participate in the election. 20% of those were at the poll site, 52% were voting absentee and the rest attempted to vote - meaning that they requested a ballot from their state but for whatever reason, did not receive a ballot in time or received at such a time where they thought it was too late to send it back. In our education process, we always recommend that those citizens send their ballot back at any time up until the day of the election because there are 17 states that do allow the absentee ballots to be counted, even if they come in after the day of the election as long as they're postmarked and/or signed or dated by the day of the election. Our surveys do show that the mail transit time can be a barrier in some circumstances for voters and that's why the Federal Voting Assistance Program since 1990 has pursued various electronic alternatives using the new or emerging technologies of the day. In 1990, during Operation Desert Shield and Storm, we had hundreds of thousands of US troops in the Persian Gulf region and it was late in the year, it was a midterm election such as this year and we instituted what we call our electronic transmission service and we work closely with the states to allow electronic transmission of the absentee ballot request, the blank ballot out to the voter or the voted ballot to come back. In that case, the electronic transmission was done via facsimile machine. In the end, we had several hundred voters who actually did send a voted ballot back through the system for that election. Not a great number, but it was something that was established and since that time, the Federal Voting Assistance Program has maintained that electronic transmission or faxing service and now there's 50 of 55 states and territories that do accept at least part of the absentee voting process to be done via facsimile. In 2003, the state of Mississippi was having a gubernatorial election and they had a group of guardsmen who were on their way over to Iraq and it was derived that those individuals would not have access to FAX even though the state law allowed for the faxing out and return of voted ballots by fax. We did find out working with the military

services that those individuals would have access to email and as well as a scanning instrument that they could scan in. Working with the state, we expanded the capabilities of our electronic transmission service to allow for fax email conversion so that the state could fax the ballot to the Department of Defense electronic transmission service. We would transform that fax into a PDF attachment to an email which would go to the soldier who could print it off, vote it and do whatever they needed to do the ballot, scan it back in and send it back to our electronic transmission service which would then be faxed back to the state - thereby meeting the state requirements and the needs of the voters. Since that time, we've kept that capability up as well and I want to thank the state of Missouri - both in 2004 and again in 2006 for allowing the members of military to continue to utilize that process for voting in the midterm elections. Other states have done that as well. There's various Federal laws that have amended UOCAVA since its passage in 1986 and I believe you all are well aware of many of those. Obviously, the Help America Act. One thing the we are encouraged by or grateful to is the information from the post-election UOCAVA report from the EAC that helped us to begin to delineate - I said we had 79% participate rate from the members of the armed forces but those are the people that voted and that's self-reporting by those individuals. The real issues which can be brought out by some of the reports such as the one that the Commission did is that not all those ballots make it back in time. There are issues with whether they'll be able to get back in time, so the department continues to look at other various electronic alternatives as well as working with the United States Postal Service and the Military Postal Service to expedite the delivery of the hard copy ballots as they're on their way out and as they return. We also work very closely with state Chief Election Officials on legislative initiative packets. For over 20 years, we've been working with the states, they all meet the UOCAVA requirements but some of the states do still have state legislation on the books that can hinder the process for some of the UOCAVA citizens. For instance, there's states that may require a notary to sign the registration form so in those instances, we'll work with the states to remove that requirement because although the military can have a Commission officer or a Voting Assistance officer sign off as a notary, overseas citizens may have to pay for that service, which of course we don't want anyone to have to pay for the privilege of voting in any of the United

States. The legislative initiatives that we have out there - the primary ones are to help move that ballot out and back. One of them is, as you mentioned, the 45 day ballot transit time. There are several states that have even more than 45 days and some of the states have less than 45 days but where they allow the late counting after the election, they have a total time of 45 days so that helps in that regard as well. Obviously, electronic transmission is something we've asked the states to do a lot of. In the written testimony, we have the states that are going beyond the faxing and allowing direct email. Some of that may go through the Federal Voting Assistance Program electronic transmission service or some of it may go directly to the citizen, back and forth from the local election official. We have the service provided basically for the faxing because we have the toll free fax numbers that local election officials can fax any information - whether it be official balloting materials or any information they need to get to a citizen anywhere in the world, toll free. But, of course, email is a great new technology which they can be using as well. We also do education of the citizens covered by the UOCAVA. We do workshops at military installations around the world. We work at embassies and consulates and we work with overseas citizen organizations and we couldn't do our job without them. OVF and Democrats Abroad, Republicans Abroad - all are great in helping us to distribute the tools, the voting assistance guide, the forms out to the citizenry so they're able to communicate with their local election official directly. We also, from the department as part of that outreach, we have overseas citizens voters week which we hold around the July 4<sup>th</sup> holiday overseas because many overseas citizens groups, embassies or consulates are holding some sort of gathering or picnics or something of that effect during that time frame, so that's a good time for the overseas citizens to have a registration table set up, to get that registration process going if the individual has not already begun to do that. Around the Labor Day holiday time frame, each even numbered year, we have Armed Forces Voters Week - that's where a lot of the military do moving over the summer so they're in place for the fall, it's time to start thinking about the elections if they haven't already done so. And, they have events at installations around the world. We also hold events at the Pentagon for that. And, perhaps most importantly as far as moving the ballots once the individuals have requested their ballots is absentee Voting Week which we hold in October of each even numbered year

and that's October 8<sup>th</sup> through 15<sup>th</sup> this year and that's the time when overseas citizens need to look at their calendar and say - Well, how long does it take mail to get from where I am now back to my hometown and if I don't have my ballot from my state that I've already requested, it's time for me to call FVAP or call my state or do something so that I can find out how to make sure I have a ballot to get in in time. Of course the biggest tool we have for that is the Federal write in absentee ballot which is also required by the UOCAVA and that's what we call our emergency or back-up ballot. That's also on our website and the Federal {unintelligible} is also on our website. That allows a citizen to vote for Federal offices in any state during a general election, whether they're, whether the individual is inside or outside the United States and send that back to the local election official in lieu of the state ballot that may not have arrived. Federal law also dictates that if the individual receives their state ballot after sending in the Federal ballot, they should also vote that and send that and the local election official procedures would handle the fact that there's two different ballots they would count, depending on their local procedures, count one or the other of the ballots. Toward facilitating ballot movement as well, we have worked very closely and we thank the United States Postal Service in their help both in 2004 and again in 2006 in expediting that movement of these ballots from the local election officials to the military postal gateways and then we work with the military postal agency to move the ballots from those gateways in New York, Miami and San Francisco out to the troops. We have special trays and tape that goes around the FT ballots to get the balloting material first on/first off of any transport planes or any supply planes that are going over to the arena and then out through the various nodes to the deployed troops so the only real unknown is that if a convoy or a plane has to follow a specific route in Iraq on a particular given day, that may have to be delayed because of local intelligence of threats there might be. Other than that, it's a pretty good process. The US Postal Service also in the week leading up to the election, as they receive the ballots that are inbound back toward the States, the voted ballots, they will be using Express Mail to insure that those ballots get back to meet the State's requirements. I mentioned the electronic transmission service that we've had in place since 1990. In 2000, we had a voting over the Internet pilot project. In 1997, I believe Executive Director Wilkey was at our meeting that

we had in the Pentagon to discuss new technologies and the web and we said the voters are going to at one point demand doing some sort of Internet voting. As someone mentioned earlier this morning, that the UOCAVA citizens are a good group to work with on that because in remote areas, they're on the move, they're mobile and they're a good group to have some sort of tests done with so we had a 2000 Voting Over the Internet experiment that we did. It was successful, we had several states participating in localities. It was a good proof of concept and I'd like to thank Pat {Holleran} who's in the room as one of the participating counties from Okaloosa, Florida. Then, we did a report to Congress and we told them about it and then they said - That's a good idea, why don't you expand on that so we can really see how this would fit into the overall lexicon or what the local election officials need to do in their business processes. So, we working on and we did develop a system for the 2004 election called the Secure Electronic Registration Voting Experiment. However, it got caught up in the overall, some of the movements around the country regarding the poll site voting equipment and the concerns over electronic voting equipment so because of of it, the media that was covering some of those issues - the Department decided at that point that we didn't want citizens to fear that their ballots wouldn't be counted so we decided not to use the system for the 2004 election. For the future of actual Internet voting, we're working with the EAC as you're developing standards for that and we're looking forward to doing another project once those standards are in place and any information we can provide to you on that and we're happy to do that. After that project was stopped in 2004, we did another smaller-scale ballot request and delivery system called IVAS, the Interim Voting Assistance System, and what that did was allowed voters from states that were able to do it to request a ballot through a secure server, submit an automated version of the Federal Post Card Application, very similar to what we had created for the Server Project in the 2000 Voting Over the Internet experiment and the local election official would then log in using a DOD issued password to that website to receive the PDF of the saved Federal Postcard Application. They would then process it and when the ballots were available, they would upload a PDF of the ballot to that same server. Then the voter would go back to that server, log in, pull down the PDF of their blank ballot, print it off and then return it by whatever means the state had available. It was by mail,



fax, or email - whatever the state allowed. The system was just ballot request and ballot delivery. Since 2004, we've worked closely with the states, as I've mentioned, and there are several states that now do the direct email delivery of ballots to citizens. In June of this year, Congress said - We want you to go ahead and continue the IVAS project. So, what we've done is we've taken the name from 2004 and expanded its capabilities and it's scope to allow an umbrella website as a part of the FEAP website at feap.gov called the Integrated Voting Alternative Site. Now, when someone goes to that portion of our website, they see a map of the 50 states and when they click on one of the states, they see all of the electronic options available to citizens from the state so they're able to see if their state allows the FPCA to be sent in by FAX or email or if they're able to receive a ballot by fax or email to further facilitate the communication of that voter to the local election official to say - Hey, I want my ballot this way because I'm in a certain area or I'm remotely located or I'm going to be mobile in September/October and I'm not going to be able to get my ballot via the regular mail. Furthermore, the Department developed two tools that we offer to all of the states and territories as well. One is exactly like the tool I mentioned for 2004 that allowed electronic requests and ballot delivery, just a blank ballot delivery to the citizen through a secure website. The second is a shorter version of that which just allows for the automated FPCA to be completed by the voter and then emailed directly from the voter to the local election official. Now, in all those instances, that Federal Post Card Application form is not signed so the voter would have to have already been registered with the state so that the state had a signature on file for those voters. The overall IVAS in 2006 is for all UOCAVA citizens. The two tools that I mentioned are only for members of the armed forces and their family members and Department of Defense employees outside the United States and Department of Defense contractors outside of the United States and the reason for that restriction is that those individuals have access to a DOD database and they have a previously established credential or password to sign onto that. And, as we talk to the states, many of the states wanted to have that as an additional fence of identity for the individuals using the system so when they get that FPCA, they know that the individual had to have passed some sort of test - a password or whatnot in order to submit that ballot.

DEGREGORIO: We're on a tight schedule this afternoon, if you'd wrap it up - I think we'll explore the IVAS a little more in question and answer.

WEIDMANN: The last thing I wanted to do was thank all the states and from this morning's discussion that do provide the voter verification status on-line. That is a great tool for the UOCAVA citizens because many of them submit their Federal Post Card Applications and they don't know until they get a ballot whether they're actually registered or not. The fact that the states are now providing this information on-line is wonderful and we're happy to work with any states as they're continuing to pursue that.

DEGREGORIO: Thank you. I appreciate you making reference to the report that we issued on our 2004 survey regarding the UOCAVA voters because it was troubling to us to find out that many jurisdictions throughout the nation really don't keep the data that they're supposed to under the Help America Vote Act of the ballots sent and the ballots received of UOCAVA voters and we certainly have taken that very seriously and I know that we've gotten the message out at least to the state officials, election officials to make sure that election officials are collecting the data because I think it's an important tool for all of us to see how the states are serving UOCAVA voters. Before we proceed, I just have one quick question that I think is helpful to everybody, to all of us and perhaps to our next speakers. It's a question you probably get very often. Could you give us a ballpark figure of how many voters are we talking about here because I've heard a great range of numbers. How many UOCAVA voters are we really talking about in your estimation?

WEIDMANN: From the Department of Defense numbers, we have about 1.2 million Uniform Services members and then about the equivalent number of family members. That's both inside the United States and overseas and the estimates very from anywhere from 3.7 to 4.5 million overseas voters of voting age. These are numbers that we've gotten on and off from the US State Department and it may be bigger than that because some US citizens when they go overseas do not register with the State Department, does not register to vote - but, register with them to say "I am here in this country," so those numbers may be larger ...

DEGREGORIO: Sure. We're still talking about a significant number of Americans and certainly two to five percent of the number of registered voters in this country so they can obviously make a difference in our elections. We appreciate your comments. Now, we'd like to turn to Commander Robert Carey. Robert Carey is a - do you go by Bob? - is a senior fellow with the National Defense Committee. He's based out of New York, New York. Upon graduation from the University of Pennsylvania, Bob was commissioned as an Ensign of the United States Navy and embarked on a ten year active service duty. He continues to serve as a Commander in the US Navy Reserves and completed three Commanding Officer tours in support of operations Noble Eagle and Enduring Freedom and Iraqi Freedom. Upon leaving active duty, he worked for the United States Senate for several years as an important {staffer} and adviser. In 2004, he established the Capitol Empire Strategies, a strategic planning and policy development consulting service. In November 2005, he served as a Senior Fellow with the National Defense Committee, conducting in-depth research on current military and foreign affairs. His military awards include the Meritorious Service Medal, four air medals - two with combat V's and two Strike Flight medals; five Navy achievement medals. He's achieved a great deal in serving our nation and is keenly aware of our military men and women overseas who put themselves in harm's way every single day for all of us to have the opportunity to vote. I know that, Bob, you advocate in every single day, every single minute of your life for military voters and we appreciate what you do and appreciate your comments today so please proceed.

CAREY: Thank you very much. Jet noise - the sound of freedom. {Unintelligible} Bob Carey, a senior fellow with the National Defense Committee and on behalf of the committee, please accept my thanks for the opportunity to testify here today. As a way of introduction, I did want to talk about my experience in military voter disenfranchisement. You went over my active duty career. The fact of the matter is though - the first time I actually pulled a lever in a voting booth was in 2000 and my first election in which I participated was in 1980. Since 2000, I've only participated in two more elections where I've actually pulled a lever because of three recalls in support of post-911 operations. Finally, my civilian campaign, besides working on the Hill, I just recently came off of being a Deputy Campaign Manager for a Senate primary

campaign in New York. The fact of the matter is over the last 26 years of elections in which I've participated both personally and professionally, my experience has been one of difficulties and barriers especially while in military duty. I shouldn't be surprised by my experience - voter disenfranchisement has been a persistent and common occurrence rather than the exception for as long as military personnel were given the right to vote. A substantial minority, and in some cases the majority of these brave military personnel have regularly suffered disenfranchisement through no fault of their own. You're aware of the 1952 House Administration Subcommittee Hearings on Elections where this was originally brought up. These exact same issues that were raised in 1952 are the exact same ones we're dealing with here today. Technology changes, ability to address these issues changes - our response has not. Despite the strong mandates and recommendations of Help America Vote Act and UOCAVA, little has been done to take advantage of the promise the Internet holds to provide our deployed service members the same voting rights that fellow citizens back home enjoy. The reality is that military personnel don't get their ballots in time for elections. They can't send them back in time to meet the ballot deadlines and as a result, they're unable to participate in the electoral process. It is only through the Herculean efforts of many of these military commands that we even have these good numbers that you see up there. These numbers you see up there. With a US average of 24% by the National Defense Committee's estimations of military voter disenfranchisement, and in some states - well above the majority of military voters are disenfranchised - the fact of the matter is that the system is not working. In fact, we believe that these figures here are probably an underestimation because at least ten states where these officials didn't participate in our survey as well as scores of local election offices in some of the states that didn't. The reason is that many of the local election offices refuse to take advantage of the Internet and instead mandate the continued use of paper ballots, the US Postal Service and manual signatures. Meanwhile, the military is nearing completion on universal transition to PKI certificates and digital signatures for all military information technology networks, providing near absolute irrefutability of an individual's Internet use and information technology acts and keystrokes. When I login into my military computer whenever I'm on duty, I take my common access card right here, stick it in with my

little chip. It reads my signature. It gives a digital signature to every single one of my emails and it's absolutely irrefutable. Unless someone is able to take my military ID, get past the military security personnel that guard our facilities and get on to that military computer network without someone else saying - Hey, you're not Bob Carey. The fact of the matter is it provides near 100% irrefutability of that voter's identification. Frankly, from someone who has gone through a couple different states' voting procedures - far greater ability to verify the identity of a person than the current voter procedures that I've seen. We've gone over the three time consuming steps necessary in absentee voting for military personnel. The military member has to send in the ballot request by US Postal Service usually. Then, the unmarked ballot has to travel back from election official to the voter. Finally, the marked ballot has to go back again by the Postal Service, usually. Each of these steps can take weeks. Let me use an example - me. I was mobilized the most recent time, October 22, 2004. I reported to my Reserve Center in Norfolk, Virginia, on that date. I was notified of my mobilization on October 15, 2004. I was scheduled to depart for the Middle East on November 1. The election was November 2. Because of, in my case, because I love to vote so much - a fortunate glitch in my processing - I was able to stay in the United States, I took leave, traveled up to New York and was able to vote. If it had not been for that glitch, I would not have voted. I know many other service members that face the exact same situation. Because I would not have been able to get in my absentee ballot in time for the election official to send me my absentee ballot and I didn't know where I was going to be. All I had was my final address of some command that I didn't know where it was, somewhere - it was a fleet post office in the Middle East. And, it would eventually catch up with me. My estimation is I would have probably gotten it sometime in December if I'd actually asked for it. The same thing happened upon my return. I was scheduled to depart Bahrain which was my final duty station on November 4, 2005, and report to my out-processing site in Norfolk on November 6. The election was November 8. The New York ballots are not available until 32 days prior to the election. Mail regularly takes two weeks to get to Bahrain and two weeks to get back - and, remember that there's a bifurcated mail system for military personnel. It goes by US Postal Service to the Army Post Office or the Fleet Post Office, usually in New York for people in the Middle East. Then

the Military Postal Service Agency takes over and delivers it to the service member. Under New York law for this 2005 election which was a mayoral election, the ballot has to arrive at the election bureau no more than seven days after the election. Assuming everything goes perfectly, I had to mail the ballot by November 1 - but that gave me a week to analyze the vote for all the city candidates for a city of 8.1 million people. Frankly, as a concerned voter - that's not adequate. Every day, billions of dollars are transmitted securely by unclassified electronic means over the Internet. In the military, we routinely transmit highly sensitive, classified information electronically by means of the Military's Secure Intranet Protocol Routing Network - otherwise known as SIPRNET. Additionally, as I talked about before, all of our unclassified military information technology used in Internet use is controlled with a digital signature and a PKI certificate. If electronic means are sufficient for the huge sums of money that are transmitted and for our nation's most sensitive secrets - it should certainly be possible to enable deployed and wounded service members brought back to other locations for follow and treatment to vote by electronic means and to vote with confidence that their ballots will be counted. At a minimum, we need a means to transmit the unmarked ballot to service members like me - no matter where the service of our country has taken us, and, enable us to remark and return the ballot by mail in sufficient time for the ballot to be counted. I'd like to lay out one preemptive argument. The National Defense Committee does not buy the argument that providing such electronic voting assistance to military personnel alone would unduly grant them unequal ballot access. Remember that for most absentee voters, except the sick and infirm or maybe those incarcerated, absentee voting is essentially a voluntary act. Sure, voting at a polling station may require them to quit their job if they have a business trip during that day but in the end, the individual has that right to quit that job. The military service member does not and military service member is ordered by Federal action to leave their locality on Election Day and cannot quit the military before their enlistment expires. In my opinion, that fully justifies specific relief for this specific class of United States citizens, and, bringing about Federal action in order to be able to do so. There are many instances where the Federal Government has mandated the states to accept certain types of voting actions on behalf of certain classes of citizens such as the Federal Ballot. This

should be no different. President Truman wrote that Congressional Committee in 1952. Many of those Personnel in uniform are serving overseas or in parts of the country distant from their homes. They are unable to return to their states either to register or to vote. "At a time when these young people are defending our country and free institutions in Korea, the least we at home can do is make sure they are able to enjoy the rights they are being asked to preserve." This is during the Korean War. Nothing has changed for the grandsons and granddaughters of the Korean War veterans who are now fighting the global war on terrorism. They're facing the exact same situation. The National Defense Committee implores the Elections Assistance Commission to push for Federal action in order to be able to mandate some type of electronic voting capacity for military personnel. Thank you.

DEGREGORIO: Thank you, Commander. We certainly appreciate your important remarks and reminder to all of us of the problems that military voters face in participating in our elections. We're going to turn now to someone who has been a leader looking at the interest of all voters overseas but particularly non-military voters and who has really taken it upon herself to be a person who spends a great deal of her time in this area and in serving the over million voters overseas who are not military voters but who also want to participate in our election. Susan Dzieduszycka-Suinat is the executive director of the Overseas Voting Foundation. She is best known for her work in the area of Internet-based UOCAVA voter registration. She's the founder and executive director of the non-profit, non-partisan Overseas Vote Foundation. She spearheaded the development and launch of the Foundation's operations and advancements in this area and I know many of us at the EAC participated in your launch when you had it in Washington, DC. Previous to your work with the OVF, you launched the Overseas Vote Project in 2004 and you were responsible for designing the functional usability of the first ever UOCAVA Internet-based voter registration system. Susan has come from the heartland of Europe, Munich, Germany, to the heartland of America here in St. Louis to testify before us today and she is someone I that I have come to know over the last three years and someone who is passionate about what she does in this area and we certainly appreciate what you do every single day, Susan. So, let us hear from you.

DZIEDUSZYCKA-SUINAT: Thank you. A heartfelt thank you,

Mr. Chairman and we will miss you sincerely. You've been such a champion for us and we'll never forget it. Thank you to all of the Commissioners for inviting me today to speak on behalf of Overseas Vote Foundation at this meeting. Yes, I guess I am a real live overseas voter just like my colleague here. Bob is a real live active duty military voter so I can speak from a slightly different perspective perhaps of actually having been there. Today, I've been invited to speak specifically about our mission and work at Overseas Vote Foundation. I do have a visual presentation. It wouldn't hurt my feelings if you want to turn around and see it. That's fine. I won't be reading my entire statement or going through every word of this because I actually do want to make it through the visuals to leave you with these three themes: The first being an idea of a comprehensive integrated solution. What I mean by that is a comprehensive integrated voter solution allowing the voter to use tools which bring ultimately value - value to them through actual completion of registration activity and ultimately, trust. Trust not just on the part of the voter but also on the part local election officials, a level that we're working very hard to tap into as well. So, these are the three themes. Our mission - very clearly, I've reduced it down to the least words possible. We're working to increase participation of all UOCAVA voters in Federal level elections. We do not have the reach or the bandwidth to tap into the depth that would be required to have an effect on State level elections. We're starting here. We're also starting with the voter registration problem itself, not going into voting per se - yet. We all surmise that the UOCAVA population is growing. We can very honestly say that any numbers given to that population are unproven at this point, they're based on very old data from the State Department and no one knows exactly. However, we have a sense that it's growing due to the globalization of our world and our economy. It does reach approximately 7 million voters in its estimates; however, again that's unknown. We hope to get a better feel for it through our program. These voters face persistent hurdles. The awareness of overseas voting and military voting was raised substantially since the 2000 elections. However, the program itself has not made such similar strides in advancement as Bob also mentioned. Many who try to register are disenfranchised and the system itself is a bit complex for the average voter. The challenges are similar and felt in similar ways to the local election officials as



they are to the voters. There are challenges that are created from basic issues of geography, distance, time zone changes, access to information and the cost to overcome timely situations like getting a ballot back in time. Through our research at Overseas Vote Foundation, we do have a report on our Internet site. We saw very clearly that many voters were disenfranchised because they didn't receive their ballots or they received them too late. We broke that down into two categories. I sometimes wonder if this wasn't UOCAVA voters if people might be more up in arms but these are longterm, persistent problems and we decided to approach them through a very practical means, not pushing any security issues or sensitive points - just through a practical approach. Let's take a look at our organization. I'm very proud to say that we are the first organization in this niche. We are completely non-political. We do not work for parties, we work for voters. Fortunately, we've been able to garner the interest of many, many volunteers - some who dedicate their time full-time every single day, seven days a week. We are also professionally staffed. Let me note again - We are non-political. I, myself am from the technology business. I'm a software usability person and I've been in the Unix business for over a decade, that's where my background is. We approach these issues as voters who feel them and we have also had a wonderful year where we've attracted the attention of many talented people and tremendous support from alliance partners and advisers. We've built an executive board which is half based overseas and half in Europe. There's Jim Brenner, our chair; and, Chip Levengood, our treasurer; myself, I am on the board and we are very, very proud to see that we've attracted a very reputable person, Ray Martinez, ex-vice Chair of the EAC to join us. We'll try not to get too greedy, Paul, but we do have an opening. Cameron Quinn was on our board - she's at the Department of Justice now so we are looking for somebody with a similar profile to join us. The advisory board is a very diverse group ranging from the League of Women Voters to the National Defense Committee. They have been incredibly supportive and let me also thank Leslie Reynolds for the foothold she has given to OVF through NAS. Our core team is mainly overseas versus the two boards are really mainly in the US. We try to keep a balance to maintain the insight and the reach that's necessary to be effective in this realm. We also have country representative. This is kind of overall global reach right now and these are all volunteers, the time that they can

put in varies, as I'm sure many of you know. Let's look at our alliances here. You get an idea of a strategy for collaboration to reach out to different audiences that are effected by overseas voting. You can see some familiar names of organizations and attached to them, the audiences that they reach. For example, the Youth Vote and Students Abroad. This is all part of our outreach strategy as well. We cannot do a workshop in one city and expect that we're really doing outreach. You have to reach through many different audiences to get to voters abroad who are there temporarily or permanently. Most of them we surmise are not voting, most of the overseas voters were probably regular voters or they continue to vote overseas but we would like to reach into new audiences. Let's look at our work. How do we achieve our mission? That's our work. We do this 100% through Internet-based voter services that work together to form a complete value solution. Here's my map of our work. At the top, the interactive services - voter registration and election official directory and a help desk. All of these require a point and click interaction with the site. All of them return information value to the voter. In addition, in the outreach we have membership services. These are not paid for services, this is to receive information, to stay on our list, to be alerted if things happen that you need to know - that's not so often that there's something critical for an overseas voter but when there is, we can let them know. We do have the largest list of overseas voters in the world. These people, interestingly, do not unsubscribe. We have a very tight ethical policy in terms of communications and do not send things because we feel like it's important. We send it only when it's a must have on the part of voter and they see it and they respect it and they stick with us. Then, there's a research and reporting side that's all about a feedback loop. What are we getting here, what information can we provide to groups such as your own, agencies and others to help improve the UOCAVA voting experience? I can show you some of that. Let's look at the top three primary services, these three work together, we launched all of these services in February, we announced them in consecutive months. The voter registration system - I'll show you a screen of each of these. Here's the front screen, you can see that we try to keep things simple. You enter the data, you print the form, you sign and date and you mail. You click to start. Remember click to start. It's not you've got to do this or that and no way to get to it or you have to look somewhere else for it. It is right

there. This is one of my personal concepts as a technology consultant that there needs to be something called "interactive value" on a website for it to be used. On the right side, in one quick flash, the voter knows what he's going to go through - Eight steps. He can see at any point in time where he is. There is a flag if something is wrong. He can move back and forth without losing data. All of these features come because we're from the technology business, we're approaching this from a practical usability, functionality approach. Down there on the right and up on the top - it's very, very light. Voter help desk. I personally look at every single voter question that comes in. I know when a Captain who is based in Iraq wants to register his entire unit and gets confused on the way but I can answer his question. We get so many amazing questions. Interestingly, I felt that Publius had the right feel for exactly the kind of questions that we're getting. It was nice to see that awareness. The next service is the local election official directory. This holds 6427 records. It's less than 7838 total local election offices but that's because Michigan does not want the 1200 townships in there. They'd rather work through their counties because they can guarantee accuracy in addressing. This, interestingly enough, is our most active service. It can be used both domestically and overseas. It really offers value to multiple audiences - meaning the agencies and people in the election business as well as to voters. We have a tremendous number of links to this service and to our overall organization. This also allows LEOs to communicate with voters - I'll show you exactly how. It involves them in the data maintenance process. If you look in the top right of the information screen, it's very hard to see - there's a little thing that says, "Click to update." There's an icon there. This is just one sample data file by the way. I should step back. California, San Mateo County. What are we tracking? We're providing a way to get to the local election websites. We provide a mailing address and a physical address. They're not always the same. In this record, they are. There's a local election official contact by name. We want it by name. Why did we come with this list? Because we're overseas and we kind of know what we needed. We needed multiple ways to reach local election officials. Phone, fax and email. Email is the most desirable for voters overseas and I think it might be the least desirable for the LEOs who are overrun by email. We're in a lot of communication with them and it's problematic but we have a

tremendous amount of email addresses in here. We've established a new type of contact called a "Local Overseas Voting Contact" and we're watching those fields fill up over this year. We started with an updated database different from the FEAPs database because we built it over about a year through a team of tens of volunteers and since then we have an average of about 250 updates, updates innumerable, but updates to 250 of these types of records. You might have several fields updated in one record. If you look at the bottom - it says, "Further instructions." This is where it allows the local election official to give a message to the voter. This one says, "We're open from 8 to 5. If you want to check your voter registration status, here is where you go." We are trying to create a communication loop directly from the local election official to the overseas voter, vice versa, and breakdown the barrier of who are these people that left our country. Leslie didn't show this but she left it to me to put it up here which was very nice. She has been tremendous in supporting us by being our first licensee of the local election official branded to their website. This is the front-end interface, not the data screen. Then we have the help desk. Somebody can send a help desk message while they're in the middle of registering to vote, they immediately get a note that says, "Leave your session open so we can get back to you. You do not have to lose the work you've done." Here you can see we don't take a lot of information from them but enough to at least get a sense of what their issue is and we have a drop-down of different question types which allows us to also track the statistics. What we've done in summary is used a very practical approach. We haven't tried to take on too much. We have not taken on the very difficult problem of Internet voting. We have tried to solve some of the identified persistent problems that these voters encounter and by doing that, we've made the program available in all corners of the earth. We've made it simple and user friendly, taken all the legalese out. Accuracy is key - error checking is built in. One of the problems is that when voters do send forms over, they are so often missing the information and the program can keep them not only to the state-specific requirements but if a state like Virginia, for example, has very specific informational requirements for which there are no fields on the FPCA, we can capture that data and print it right on the form. So, their form won't get kicked back. This really helps the LEOs and the voters and it establishes a tremendous amount of trust in

both - they know they can count on us to know what that is. They don't have to look around. For VAOs, it's fantastic because they don't have to consult both to get their voters registered. Reporting - several people this morning talked about hits. And, I had this in my presentation anyway. Site traffic, the way it's measured - I feel that Sharon had a very good idea of what you have to do to get a real idea of what's going on in your website. We've had 2 million hits but that's incredibly misleading, it's a very impressive number but it doesn't tell you what counts. When a web page comes up, very often all the images on the screen create hits so you might get 20 hits from one visit to a site. It's not relevant. We're looking at the actual usage we've had and the completion rate of the services. We know that when the voter gets into RAVA, there's a 92% completion rate. We're also gathering some data. Here you can see the top ten states where voters are registering through our system. This can be very useful to candidates although we don't do anything partisan. It can be useful and insightful. We can see where the voters are living. This is also useful in certain instances if people want to communicate to their voters. Who is using our site? Right now, this year - we have not had any serious penetration into the uniform services audience which is very well served perhaps by the FEAP and their well-defined system there with a lot of personal touch through the VAOs. We do, however, reach civilians that would otherwise fall through the cracks and we know that approximately 30 of them that have used our site have never voted as UOCAVA voters before and nearly 10% are first-time ever voters. The research we've done - I already mentioned that we did a post-election survey in 2004. It was sent to 64,000 overseas voters and had a tremendous response rate of 17%. We will follow on with another survey in 2006. It will be a collaborative effort with one of our alliance partners, the Election Administration Research Center, which is extremely important for us to have serious professionals on the survey project. I think I've mentioned non-partisan - that's how our voter outreach works. Here, the big highlight is the youth vote, that so many university programs - Harvard, Princeton, etcetera, have finally put overseas voting on their websites to students. Here is a sample of a local election official link to OVF. Here is a sample of something that we've done in Mexico - the Top Ten Overseas Voter Questions was run as an article with a banner on the side. Similarly, other outreach that we do - this relates to not just getting to people who already vote

but getting to people who haven't voted or don't know they can. We run articles in ex-Pat newspapers on topics that lead people to the voting answer. I did want to touch on voter trust. I think it's an essential component to our participation and it's a problem. 52% of the voters who answered our survey said they did not have confidence in the electoral process. We look at certain indicators such as the usage of our services, the people signing up, survey response to get a real sense of how they trust us and the voting process as it goes. Funding sources - there are no dollar signs here but in terms of the value of people's time, we've been very, very fortunate. I leave you with this thought - That as we are working to take democracy to other parts of the world, let us also bring democracy to Americans throughout the world. Thank you.

DEGREGORIO: Thank you very much Susan, we certainly appreciate your comments and again your work and your statistics and now I'd like to turn to my colleagues for questions. Colleagues, we have about 17 minutes left that we've allocated for this panel in order to be on time and in order to end at 3:30 because I know that many of you have flights to catch. I think if we keep our questions with answers to about five minutes, we can keep within our time period. I'll turn to Commissioner Donetta Davidson for the first round of questions.

DAVIDSON: I want to thank the committee that just brought our testimony before us and I definitely understand the frustration along with hopefully we can gain more and more in the future. One of my question - I'm going in a little different area, because I also know that keeping up with correct addresses, especially with our overseas and our military are a real problem, and you talked about the chip in your card. Is there any way that that chip, do you believe could help us keep up with current addresses. Right now the law says that we have to send out absentee ballots to anybody that for general elections - we know the military moves before four years, they are constantly on the move. Do you feel like, Bob, that there is any way we can utilize that chip and then I'll ask Scott to reply to that answer also. I'll keep question just to one so my colleagues can have time.

CAREY: Probably two ways. First, the chip goes with your email address to which a digital signature is attached. And your email address is not changed for most of

the services when you change jobs. So my email address is [robert.kerry@navy.mil](mailto:robert.kerry@navy.mil). And I take that email address with me to whatever command I go to. That's one way. The second is that generally, you're right, most people transfer between duty stations every four years. But the military has all the addresses for all the personnel already. If they are still on active duty they have their address for them. That should not be as big of an issue because that is easily provided through their own personal databases. They know the unit they're attached to, and they know the address of the unit.

DAVIDSON: Scott, in replying to that why can't we get the states updated with that correct information instead of them getting back thousands, I mean I was just in L.A. County - this was our biggest concern. She's sending ballots out to people with wrong addresses. Why cant we get that updated?

SCOTT: Well, we do at the VAP, provide a service for local election officials to send us the names of and addresses of the military ballots that have been returned undeliverable and we will access the DOD database and provide them with the up to date addresses from that database. That database is anywhere from 2-6 months old depending on the unit and where they are and whatnot. Sometimes the address we provide back may be the same the local election official already had. Also in our education to the military through the services and actually to through the State Department and overseas citizens groups as well, we encourage every UOCAVA citizen to mail in an FPCA every January and any time they move. That doesn't always happen, obviously, but we ask them to do that. The other thing is with the HAVA requirement for the FPCA to be counted for two consecutive general elections, we provide guidance to the states obviously we as a Federal agency can not tell the states not to continue sending ballots out to these individuals because that's what the Federal law dictates for them to do. But, what we do encourage states to do is to check that FPCA they have on file, make sure there hasn't been an error when they transferred the data from the FPCA to their voter registration database. To check with other resources they have - they might have the name, many times the military will put the name of a local family member on that FPCA form so they can contact them locally to find out if there's been a change of address. Many states provide the ability for these individuals to

call up or other ways to update those addresses. Also, if the state can come up with a procedure similar to NVRA where if they get back a certain number of ballots or election material that is undeliverable, they can come up with a defensible procedure that's agreed upon within the state by the attorney general's office and whatnot then maybe than can institute that so if they did come before a court and say "Well why didn't you send a ballot to this individual?" they could say - We had two or three mailings that were returned from that. Now, there is no expense for the state to mail, there is no postage expense for them to mail anything to UOCAVA voters because that is all postage free as provided by UOCAVA. But there is of course the time and the printing expense that they go through.

DAVIDSON: Yeah I think the concern is the time. By the time they know that a ballot is coming back, that's taken away possibly the right for that one individual to be able to vote because there is not time to get it back. That's the biggest concern that I see. I'll pass on any other questions because I know of the time.

DEGREGORIO: Thank you Commissioner Davidson. I would like to ask a few questions before I turn it over to Commissioner Hillman. Susan and Bob, you both have talked about disfranchisement, I mean in your remarks and that translates into thousands of Americans who are not having the opportunity to participate in our Federal elections much less state election or local elections. We have seen in the last week, 10 states in our nation hold their primaries so late in the year so close to the November election that I stated earlier is just 47 days away. We know that when you have an election there is a certification process and then here is also court challenges to candidates on the ballot that further delay ballots being sent to the voters and I know that the Department of Justice has intervened in several states, working with the FVAP to force states to accept ballots later and Scott you've indicated that 17 states have that provision. However do we really need Federal legislation to really take a hard line on this to stop disenfranchising so many people that some kind of Federal legislation that mandates that the states accept these ballots - certainly, states who have a primary by a certain date or certify the ballot by a certain date. Missouri's is next Tuesday that



they have to send out their absentee ballots. That's 42 days. That's not 45. But, do we really need to take a stronger approach in looking at Federal legislation that takes a closer look at this issue because so many are being disenfranchised in the way the system is designed today. I think ill start with Commander Carey and go to Susan and then Scott you can comment on that.

SCOTT: Just so we know, I'm not here representing the United States Navy and so I'm here as a private citizen with the National Defense Committee. Yes, National Defense Committee believes that's required. The reason why is because a number of states, my state of New York, specifically denies the ability of any local election official to accept any type of ballot by any type of electronic means. It has to be manual, it has to be manual signature, it has to be hard copy. You can't transmit it, you can't receive it, and so I doubt that any of the states that haven't changed to date through the good works of FVAP are going to change it now.

SUINAI: I would echo that and say that on the part of the overseas voter, normally people want their ballot counted when all ballots are counted. What they don't like is this extended deadline just to count your ballot - but it doesn't matter anyway. We don't really count it, we call the election before and then we counted it for reporting purposes. It's so disappointing that the voter doesn't want to participate so it has to be the other date that moves. And if only through Federal mandate it will move, then I guess that's where we are.

DEGREGORIO: I appreciate that because you're right, I mean I think that's there have been efforts by the FVAP. Certainly our report in 2004 addressed that issue and urged states to move their primary dates. But it's still a slow process and you're right. I think that voters would like to have their ballot counted by election day. We've also seen in close elections that sometimes that results are changed after election from provisional voting to votes being counted. In Californian they count their absentees after their elections and you see changes in the results because of that. But you're right. I think the election day would be the ideal. Scott do you have any comments on my question?

SCOTT: As a Federal agency executive agency employee we are not able to lobby congress on any particular issue such as that but of course we do comment on any legislation that they send to us and we are always happy to help you all with any questions that you have.

DEGREGORIO: Sure we have the same disclaimers that we have to use from time to time. One last question for all three of you. How do you reach, I mean you all make efforts to reach these voters, what can you do better to reach our overseas voters who are not military and then our military voters? I know that you work everyday to do that. But what can we we do? What can the Federal government do to help you in this area, or the EAC do to help you reach these voters? I'll start with you Susan.

SUINAI: That's the million dollar question. We've been successful this year because we pick up the phone and we call LEOs and we call ex-pat groups and we go to events and talk to people and we raise the awareness. At that level it doesn't work through email. It takes a real hands on approach. We've built it piece by piece. We've ended up with thousands and thousands of links and we feel like we're just scratching the surface. We have noticed some interesting trends. There's a county in Ohio that links to us and the number of visits that comes through them is phenomenal. What's very clear is you have to be on both sides. You can't just do the domestic side to reach the overseas and military. You've got to be on the military sites and you've got to be on the ex-pat sites and it has to be a little bit more ubiquitous to really build participation. Many, many overseas voters don't know they aren't registered. They think, oh I'm registered, and it never occurs to them that they didn't change their address, that they have a new form to sign. And on that form issue, this two year election cycle thing is a catastrophe because it sends mixed signals to the voter. The 2004 voters are, many of them are going to get their 2006 ballots and think they are registered for 2008 and have a horrible surprise because you just won't reach them all. It sets a precedent and they learn the hard way. It also doesn't work for the LEOs who contact us all the time to get updated addressing. We don't keep any information that can identify an overseas voters and their location in the world. Nothing like that is kept so we cant help them. Possibly other can. Like the FVAP but not in the overseas citizen world. Okay. Thank you.

DEGREGORIO: Mr. Carey.

CAREY: Throughout the day, I've been seeing a lot of discussion how we can get work arounds to maintain the current manual signature paper process. I don't think that is ever going to happen. You're always going to have this level of disenfranchisement so long as you don't take advantage of the current technology. You want to be able to expand, lower that disenfranchisement rate, digitize the process. Make it electronic, make it over the Internet, but allow that military personnel that is in Iraq to just log on to the website and vote.

DEGREGORIO: Scott?

Scott: We have a myriad of ways that we reach out to the citizens covered by the act - newsletters, news releases. When there are updates on our website, we go out through the military services through the chain of command through the Secretary of Defense who asks to visit with the voting officer whenever he visits installations all the way down to the unit voting assistance officers. Also we have voting assistance officers at every embassy and consulate and in overseas citizens organizations who do voter registration drives who have meetings from time to time and any overseas citizen group that has meetings of any kind. Any outreach -- we're talking American Chambers of Commerce, Petroleum Wives Clubs. Any time an American group gets together, we want to have at least a member of that group have a presence there. And then during the even number years have a table step up with some forms, a book, website information, whatever they need so they're able to reach out to all the citizens.

DEGREGORIO: Commissioner Hillman.

HILLMAN: Thank you. Administering elections under the best of circumstances is a very complex job and I understand that. I am wondering what our embassies and military bases overseas do in a practical way to help facilitate absentee voting. Now, everything I have heard suggests that the overwhelming responsibility is on the part of the individual. A, to get registered to figure out

where that's happening, when it's happening, how I do it; B, to know what website to visit, how to get information. So, I'm just wondering what assistance, what roll. In my mind, I'm creating polling places in embassies and military bases. But that's my vision. In the meantime, what assistance is there? Start with Scott.

Scott: Well it's a little more proactive with the military because they are kind of a captive audience and what we have with the unit voting officers is that they have 100% contact with all the individuals in their unit to say I am a voting officer, I have the forms, I'm here if you need some help. Then as people move in and out of that unit, they are to be updated to say I'm the person to come by and get that information from if you need it. It's a little easier, for instance, on a Navy ship where you've got everyone contained and you just put a table next to the mess so everyone can see it on their way in and out. When you have units that are spread out over various regions or Iraq or whatnot, it gets a little more difficult but the system is in place and they're required both by DOD directive and service instructions to do those things.

HILLMAN: To do those things for what? Registration, casting of the absentee ballot, what part of this are we talking about?

Scott: Well, the farthest they can go is to contact everyone, provide them with the forms and assistance if required. They cannot keep track of who has registered to vote in their unit because of privacy act details and they can't keep track of who has voted. Now if at any point during the process that individual has difficulties, they can come to that unit voting officer and they can send them to the FVAP or to the local election official, whatever the case may be so they're able to get the information that they need. It's less proactive with the State Department. The State Department, each embassy and consulate has a consulate affairs, American citizen services desk that provides this information and forms to the citizens that come in. It's become more proactive since 2000 throughout. The State Department has what are called wardens that are spread throughout the country. There's warden districts. Those wardens have been more active in getting information out there. Originally, the purpose of the wardens was to notify the citizens in case of emergency, it's time to evacuate the country. But, they've become more proactive in offering other services to the American citizens including voting and election services.

HILLMAN: Wardens as in prison wardens?

UNKNOWN: No.

HILLMAN: Sometimes the terms we use have meanings that we don't intend them to but warden is interesting. What has been the Overseas Vote Foundation's experience with getting real practical help from embassies?

SUINAT: Mid-July I was at an event in Munich and the voting assistance officer based in the Munich consulate was there as well and she told me two people had come in to register to vote this year. To get to an embassy is one of the hardest things to do. You really have to take a day off work. You have to go between specific hours. You have to go through security checks. It's a little bit off-putting sometimes. You have to wait and they are absolutely bombarded with all kinds of requests and there is no way they could ever do more than say there are the forms and there's the 500 page book and figure it out. You know, they don't really have that much time to give personal assistance. You might get lucky. So that is, actually, a completely non-workable solution in the modern world. It's not possible. The luck of somebody to live near an embassy is slim. One of the big problems we see is with Michigan notarization requiring people to go to embassies to even file their FPCAs. It's very discriminatory to Michigan voters - continues to be and I know Michigan is working on that. But, for us the practical thing is you've got to be out there and you've got to be in many places and you've got to be part of the voting community to effect the voting community. That's the approach we are taking.

HILLMAN: Mr. Carey, you experiences?

CAREY: I was voting assistance officer in my first unit as most very junior officers are at some point in their career. I was probably a little more proactive than you would have probably wanted me to be. I wouldn't let people go on liberty unless they gave me a signed post card application. That's probably what most people do. But you know, they don't say you have to vote. They say you've got to turn in this form. Even before the 2004 election and

the advent of the Internet, even before all this - we still had very high military voter participation rates. The military personnel just naturally vote at a very high rate. As far as polling stations, every computer terminal can be a polling station. Every connection to the Internet can be a polling station. The technology is there.

HILLMAN: Thank you. The only response, and we don't have time to further probe, but the only response I would give is what you described about the embassies is current status quo and I'm thinking that's there got to be a better way.

SUINAT: I have actually never heard of these wardens. So that's new news for me. I haven't experienced that.

DEGREGORIO: Thanks to this panel for your testimony and we appreciate the written testimony that you've provided because we know that you go into to more detail in that testimony. We are doing a study on Internet voting and some research on that - in fact, this year. We hope to have some more information regarding that area. I would like to ask our second panel if they wouldn't mind to step forward and take their seats so we can continue. Again, we are going to try to stay on time so we ask that if you can keep your remarks to about 10 minutes or so. I realize that you are the last panel of the day and we don't want to short change you, but we appreciate if you would do that so we can have some time for questions. This panel consists of three distinguished women. All of whom are election officials at the state and local level. The first one I get to introduce today is someone I have known for many years because she was a local election official at the same time I was. She was in Shelby County, Missouri, as the county clerk when I was here in St. Louis county. Betsy Byers now has been the co-director of elections in the state of Missouri since 1999 and she is certainly someone that I have counted upon over the years and certainly in this job to talk to about how things effect the state of Missouri and the election officials in Missouri. She is a person who is a teacher herself and taught middle school and high school in history, government and economics and she is very active in the National Association of State Election Directors. Betsy, we appreciate your participation today. Your boss was here earlier to welcome us and so we welcome you.

BYERS: Thank you. Thank you very much. Good afternoon, Mr. Chairman and committee members. As Chairman said, I am

Betsy Byers. I am co-director of elections for secretary of state Robin Carnahan. I want to thank you for the opportunity to be here today and for the invitation to speak today. In the past years, Secretary Carnahan has placed extra emphasis on military and overseas voting. As she has begun her tenure as Secretary of State, she has two main goals with respect to the UOCAVA voters. She wants to insure that they all have an easy and quick method of getting voted back ballots back to Missouri to be counted on election day and she wants that process to be safe secure. Missouri statutes have been changed so that our election laws comply with Federal laws and this includes the recent changes complying with the Help America Vote Act. Several sections of Missouri statutes also reflect mandatory provisions of UOCAVA. We've also adopted many of the provisions advocated by the Federal Voting Assistance Program. It's evident that with that the help of our 116 local election authorities, we are working to be a very military voting friendly state under Secretary Carnahan's guidance. We've taken a few extra steps to go beyond those stipulated by UOCAVA to allow more Federal service voters to safely and easily cast their ballots. We have a state statute that allows the Secretary of State to designate certain areas as inaccessible on election day. These designations open up the possibility for Federal service voters to electronically submit a voter ballot directly to local election authority. In other words, we've opened this way for several Federal service voters to submit their voter ballots to local election authority by either by facsimile or email. 54 locations across the globe have been declared inaccessible on election day in 2006 by Secretary Carnahan and a complete list of those I believe I submitted with a copy of my oral testimony. Two important notes here. First, in Missouri our state laws allow that only voted ballots may be submitted under this declaration. Missouri statutes do not allow for local election authorities to fax or email unvoted ballots to military personnel. The statutes do allow for FPCA to be faxed to local election authorities. Many military and overseas voters have taken advantage of that in Missouri law. Also, we encourage them to use the fax and email as a last resort because our laws still require that the voted ballot, the actual ballot, be returned to the local election authority. We have, prior to the August primary in Missouri and we have already sent out for the November elections explicit instructions to local election authorities on military and overseas voting procedures and

how to handle the ballots used under that nature. I believe copies of those instructions were attached to my written testimony. By law, as Chairman DeGregorio stated earlier, Missouri absentee ballots should be made available 42 days prior to the general - or, to any election - that is next Tuesday. We have had some litigation on some ballot issues that have slowed the process of ballot production and local jurisdictions. We have been in contact with our local election authorities. Many of them are getting their absentee ballots delivered to their office this week and preparing to get those sent out to their absentee voters, especially the military voters just as soon as they receive those. Along with just a regular absentee ballot of course, is a special write-in absentee ballot that some of our election authorities automatically send that out to those people who submitted an FPCA to allow them to return that, should their voted ballot not make it back to the local election authority's office. All ballots that are returned to the local election authority must be received by or on election day in order to be eligible to be counted. In order to make electronic transmission of voted ballots as easy and secure as possible, Secretary Carnahan has provided several things to the local election authorities and the voters. We have on our website all of this information that is available to local election authority and also the military and overseas voters by accessing our website which is, [www.sos.mo.gov](http://www.sos.mo.gov). We have on there a downloadable facsimile and email cover sheet that LEA's can use to type in their names and addresses, fax numbers and email addresses. Specific instructions to the local election authority on how to handle the electronic submitted ballots and specific instructions to the voter on how to transmit a voted ballot electronically. These include adding a form of identification to the ballot and how to handle two sided or over-sized ballots. A comprehensive list of inaccessible locations are provided to both election authorities and the voters. And explicit instructions to the local election authorities on handling the Federal postcard application and special write-in absentee ballots. In 2004 primary election, we had this same processes in place and we just initiated it prior to the absentee voting time period before the August 2004 primary election. We had 11 overseas military personnel return their voted ballot by facsimile. After that, we became aware that many of these service men and women did not have access to a fax machine so we changed our instructions and allowed the military



voters to also email their voted ballot back to the local election authority via the program sponsored by the Department of Defense. In 2004 general election, only 56 overseas military returned their ballots by facsimile and no overseas voters did at that time. Our goal under Secretary Carnahan is to increase this rate. We have tried to get the information out there to the Federal Voting Assistance Program, to update our instructions and make this available to the Federal service voters. We've heard from several Missouri service men and women that have returned from the Middle East that awareness and ease of maneuvering through the process are the keys to helping the military and overseas personnel to vote. By taking these step and allowing the electronic return of certain voted ballots directly to the local election authority, we hope to build upon that rate of return in 2006. I thank you for allowing me to testify. I have submitted my written testimony and my exhibits and I am happy to answer any questions you may have.

DEGREGORIO: Thank you Betsy. We appreciate that because I know personally how involved you have been in this program and your previous boss, then Secretary of State Matt Blunt was in the reserves at the time and was called up and certainly he was keenly aware and I know that he focused upon this area and I know that Secretary Carnahan has continued the momentum to take it a step further to serve military and overseas voters. We appreciate the work that you do here in the state of Missouri in this area. Now we have somebody else, another leader in this area, and someone who is certainly keenly aware of the needs of military voters because she has quite a few in her jurisdiction. In Okaloosa County, Florida, destined for the Missourians out here and St. Louisans, that's the county that contains Destin, Florida. But, Pat Hollarn has served for the supervisor of elections for Okaloosa county's 123 registered voters since 1988. She has been a great innovative force. She's worked in kids voting and a lot of pilot projects and other areas of voting. She has been on several task forces and election reform at the state and national levels. She's past president of the Florida State Association of Supervisors of Elections and a member of IACREOT. And, Pat's the honorary squadron commander of the 33<sup>rd</sup> fighter wing Eglin Air Force Base, located in her county. And perhaps, important to me, she is the past president of the local chapter of state recording officer for the order of the Sons of Italy in

America. Pat, the floor is yours.

HOLLARN: Thank you very much. I explained a lot of my background as far as military voter goes in my written testimony and I don't want to take up the time with that sort of glad-handing for myself. Enough to say I've been there done that. I was an absentee military voter for 24 years and my constituency is overwhelmingly military with currently 30,000 active duty military personnel stationed in our county and the bulk of our absentee electors are military voters as well as overseas civilians, many missionaries and academics, things like that, defense contractors. What I want to talk about today is some of the things that we do that are beyond the law. I look at a lot of things that are in the law as a minimum, a deadline. There's nothing to say you can't do it before that deadline or you can't expand on it. In other words, if the law doesn't forbid it, perhaps we very creatively can do it. And maybe because I am an elected independent constitutional officer, if I feel that I have justification - I think all of us are aware of many laws, and currently in Florida we have several that have just been determined unconstitutional by our courts. The fact is that there are issues in the law that I take issue with and sometimes I actively seek someone to sue me about it because I feel so strongly about it. I know that may sound extreme and I don't mean to think I am running around looking for things like that, but I'm not afraid of it is what I'm trying to say. I find there's a lot of misconception even among election officials about FVAP, about UOCAVA, about FPCA's - all the acronyms that we're dealing with here because it is Federal government and particularly the military. And, because I have this great bulk of people that are in my county and register - And of course Florida is a haven for people. I don't mean to be derogatory about it, but frankly Florida residency is prized for military because we don't have a state income tax. There are very little responsibilities that are attached to Florida residency - including the definition of residency by the Florida courts. Therefore, I deal with the legitimacy of the Florida vote of registration application as the application that we require active duty military people and their family members who are physically residing in Okaloosa County and who are declaring themselves resident, to use a Florida voter registration application. However, the voting assistance officers lots of times I think Commander Carey said that he was chosen as a {VIO} as a junior officer because very often that sort of is not considered a prime side job.

Let's put it that way and they don't have the opportunity to learn everything about in the time they are given, especially in these critical times we are in in the military right now. What we do whenever we receive a FPCA from someone who is in the county and is not looking for anything than other to be registered in Florida, we go ahead and register them anyway because that is absentee and while they are there they're not considered absentee, but we immediately turn around fill out a Florida voter registration application with everything that they need on it, send it to them, ask them to sign it, send it back with a postage paid envelope and frankly we have outstanding response to that. Very few do not respond to it and in no way shape or form would I refuse an absentee ballot to anyone who asked for it that had registered that way because chances are they are probably not there anyway at that point. Because the Florida form has a question about the military status, which when we were entitled to have our own forms, my form contained that question. After NVRA it did not but three years we were allowed to put that back on our Florida form which I lobbied for and succeeded as a question. It's optional so we don't always get an answer if someone is just looking at filling in the colored questions that are required. But we go to extra lengths if they have a local address and they provided a telephone number, we call them and ask them. If they have an on-base address, we assume that they are, but we try to contact them in any way so that any rate, we have always that extra mile that we go to. In addition, there is, in the original UOCAVA law, and has always been so that and NVRA as well, that every document that we receive requires an acknowledgment. We've never stopped acknowledging FPCA's by means of the little cards. The new forms, of course, don't have the card on them, the tear off card, so we printed our own and continue to do that. If an FPCA applicant sends in an email address with it, we always contact them by email. Under no circumstances would any FPCA ever go without any acknowledgment that either he or she is registered and can expect a ballot, or that we have some question that needs to be answered in order to process the application. That to me is the only way you can possibly consider that you've done the ultimate part of the law. People who register as military members inside the county do not get an absentee ballot request automatically entered even if they use the FPCA because I've already explained that but as Florida has a no- fault absentee request policy, anyone can pick up the phone, or email, or in any way shape or form ask for an

absentee ballot. In addition, because of my close contact with all base officials all the multiple bases we have around and especially the 33<sup>rd</sup> fighter wing, which is the war fighters which are very often deployed - I'm very well aware of deployments, even the ones that are not published. And I always contact commanders and make sure that anyone there has either the opportunity to register, if they haven't already done so. We have a huge mobility area where we are allowed to put voter registration forms and I encourage the BIO's to be there during deployments as well. We also have come up with some really creative methods that I dare any to take me to court over, and that is I'll get in touch with a commander of a unit or a wing or whatever it is, have them, I have a form where someone prints his name, signs his name, puts his date of birth, and his address and that designated person can bring me that list filled out of everyone who wants absentee ballots and I will, with a sworn statement, assign those absentee ballots to that commander to take them to them and bring them back and they have never failed. They've always done everything we asked and those people were given the opportunity to vote. I realized it's because I have unusual access to these military communities but I know there are others that could do it as well. We have also a mutual agreement amongst our three counties that have many of these service people living in and if I get a request from somebody from one of the neighboring counties they will actually fill out the ballots and bring them to me so I can get them on base. We have been doing this over the deployments, huge deployments we've had constant. We've had units that are back on the fourth tour in the desert. We also have been fortunate that usually because of my contact with the commanders, their voting assistance officers are always told to contact me so I have a lot of access with the voting assistance officers on the base as well to help members from other states as well be able to get their absentee requests in. When we receive the address change form a voter with a new address that is out of the county, even within the US or an APO or an FPO or foreign address, we contact that voter if in fact his original registration didn't indicate whether he was military or not. So, usually by means of that address change, I have a way on contacting him so that we can make sure our records are as up to date as possible and actually who our UOCAVA voters are. Then, I might just, I know we have discussed addresses and such, but I would like to make mention that the voter's sole responsibility - the voter's sole responsibility - in all

of these issues is to write us with his correct address. And all the methods that I've heard described are not always as practical as you may think they may be. I know even FEAB has difficulty, as Scott mentioned, that the addresses they have may be no better than the ones I have. In some cases, there's privacy issues. Some of the units are not allowed to have any body's name to be given out or anything like that and for a long while after September 11<sup>th</sup> 2001, no names, they couldn't provide anything. So we use a voter education method basically with our military voters by means of our website, all of our printed materials in our website contains downloadable and printable copies of all our voter guides. It has its separate section for military voters as well. One of the things that we do is to go beyond the issue of just keeping a request on file for a UOCAVA voter for 2 complete general election cycles. We're well aware as I think everybody is, that the mobility means that very few of these voters that are going to have the same address for the second general election. I can provide you figures with what we've encountered this year, but what we do is we continue to send a notice of election, which I've described in here as a 2-part postcard that they tear off one half to keep the information that's on it about this year's election and our website and all the information I can crowd on this card. The other card is to send back to us, postage paid, with their current information, active status, what military member in the US military member outside the U.S. and so on. Civilian overseas, any change in their status, some people use it to cancel their registration some people tell us they're retired, no longer active duty. It's a way to collect as many addresses as possible. We do that probably somewhere between 90 and 120 days of the first election for which it is good so we can get the most current one and on that where we have missed in the past people who did not designate their military status, we also have that question asked if they are military so we can keep that in our records. As far as electronic methods to voting, in the early 1990's - and it started with Hurricane Andrew for us where we had so many national guard, actually it started with Desert Storm first - where we were allowed to by emergency rule fax ballots overseas and accept faxed ballots back. But that was only for a certain period of time. Through the next few years with Hurricane Andrew and then with different operations in Grenada and a few others, more lesser known military operations that involved so many of our people, we were allowed to put this emergency rule

into effect. Sometimes it was better to ask for forgiveness than permission even. But it was all approved in the long run because it is so common in our county and I and two others lobbied very strongly to have our state law changed so that we were eventually able to have all UOCAVA voters - overseas only, excuse me, not in the United States - now we have the ability to email them their ballot, but they must be returned, we can email or fax them, but they must be returned by fax or by snail mail. We have already in Florida been allowed to accept digitized signatures in all business matters and it was the element of accepting the digitized signature that allowed us to participate in the voting over the Internet with the {OI} project in 2000 for the FVAP, which was successful, it was more successful in our county. We had more than anybody else that were able to participate. It was a, I guess you could call it a fairly primitive Internet process and I was very excited about being able to participate and serve as well after that. I say amen to Brother Carey because he is totally correct about the security that is available today. Perhaps not in the simple way he described it - I think the one thing that we took away from BOI is the probably the greatest weakness of security lies in the personal computer, but I have a very exciting and very creative kids vote program. It's called Kids Vote Too and Teens Vote Too for the upper classes and I have been doing Internet voting with these schools, with 35 public schools, 5 private school, and a number of home schooled children for a number of years. Working with our private sector corporation in Kirkland, Washington, and it is a proven secure Internet election for, of course, unofficial elections and I am hoping in a private sector project that I am involved in now, that we will be able to bring that forward at some point and be able to someday before I retire, I have that first official Internet election, it's my pet project. The 45 days, I was not aware of that section of Florida law that was changed this year that put the deadline as mailing absentee ballots overseas to 35 days. I questioned it. I've been a little bit stonewalled about it and will pursue it after the election. But I feel that there is a perfect example of a deadline. That's the latest day. I've always been able to mail by 45 days and I am going to still mail by 45 days, Saturday the 23<sup>rd</sup> is the 45<sup>th</sup> day, and I was hoping to mail on Friday my 11,000 ballots we have for overseas and other military but because of a glitch with our secrecy envelopes, we'll be mailing those on Monday. But I feel that I will work diligently to

get that 45 days returned in Florida law. Even though they did away with the second primary, I think is the primary reason they thought 35 days was enough. One more thing and that is about the 2 year, 2 general election cycle request. Having mailed nearly 10,000 notice of elections in April 2006, we did receive responses or later contact from those notices only from about 1800 UOCAVA voters. This left us, I didn't get that in my written testimony cause these figures we did not get till probably last Thursday. This left us 5,664 UOCAVA voters from whom we have had no response or contact since 2004 who we attempted to make contact - we did not receive it. Of those 5,664 ballots, 1290 came back returned undeliverable with no good forwarding address. Unfortunately, under Florida law that cancels a person's request unless he or she contacts us with a good address. Common sense would tell you, you don't mail an absentee ballot back out into a black hole from whence it just came. However, in addition to those automatic request ballots, only 250 came back voted. That leaves 4,124 ballots out and unaccounted for of that UOCAVA list. We have received close to 100 new address changes from some of those voters before and after the September 5<sup>th</sup> primary and we are hoping we will hear form many more as we get closer to the November 7<sup>th</sup> election. In turn, I established a project - we went through all the undeliverables and we called family members, we did everything we possibly could and we retrieved a number of new addresses. We are doing as much research as possible on those returned undeliverables and we are probably only going to send to those that we were able to retrieve. But having thousands of absentee ballots going out into limbo can seriously erode the security and integrity of an election. In addition to that, I had something else happen where 7 and 8 persons, to whom I personally spoke and I think there were probably more on Election Day, were people who showed up at the polls who had been sent one of these absentee ballots, but for whatever reason their deployment was over, they had a PCS back to Okaloosa County, they showed up at the polls and the precinct register said absentee ballot requested and sent. So the pollworker had to tell them they couldn't vote until they called the office. Well, Florida law says they're supposed to vote a provisional ballot. But by virtue of this absentee ballot request not being one that they initiated, and they were eligible that we verified their signatures, who they were, their addresses and everything else I let them vote a regular ballot. But those people expressed to me the reason, I knew about it

they called to tell me, how foolish they thought it was for anyone to send an absentee ballot that hadn't asked for. These are military members. Now that's only 7 or 8 but that's a cross section of people for whom that happened to in our county. I think that particular issue needs to be revisited because of the fact that absentee ballots, are we know, if there's going to be election fraud, this is most commonly where it is found. So I would suggest that be revisited and looked at with statistics. In addition, I did send a comment to the survey. The post election survey asking that a question be placed on that survey to advise election officials to track this information. I tried to get Florida election officials to it but that was voluntary and we'll see what happens. Thank you.

DEGREGORIO: Thank you, Pat. We certainly appreciate this information and any information that you can provide us, because I do think this is an area that we're going to have to look further into, especially getting statistics from the 2006 election. Our next panelist and certainly a - well, she's going to be the last panelist of the day - is someone though, that like others who have been before her, has distinguished herself because she is the chief election official of Montgomery County, Iowa, which is in Iowa they're known as the County Auditors. She is the County Auditor and Commissioner of Elections up in Iowa. She has worn several hats and she has seen both sides when it comes to military voting because when she graduated from college, she was commissioned as a Second Lieutenant of the United States Army Reserve. She is the former Company Commander of the 1068 Transportation Company of Red Oak Audubon and Perry County, Iowa. She served and supported Operation Enduring Freedom and Iraqi Freedom and was part of the troop that was there for 14 months mobilization. She has attained the rank of Major. Major Ernst, we welcome you to Missouri, just to the south of where you are, and appreciate the comments that you may have today to enlighten us and what you're doing in your county and your own experience overseas. Thank you.

ERNST: Yes, thank you, Chairman, Commissioners, and Director Wilkey for inviting me to be here today. I do appreciate that. And I would like to say my husband also served on active duty in the Army for 28 years, and often as Mr. Carey had said, he was disenfranchised because many of those years he served in units that were rapid deployment units, call-up within 48 hours and in flight.



So he did miss several elections and our last duty station, when my husband was on active duty, was Okaloosa County, Florida. So we did vote - we did vote in some of Pat's elections. And I'd like to say your precinct election officials did a fantastic job. I do appreciate the fact that we are giving testimony today on email and fax voting. I have seen two sides of it, because one, I go to conferences and trainings and learn about these new initiatives as a Commissioner of Elections. Then on the flip side, when I return home from those conferences, I see those initiatives going into play through my email and through mailings. And, two of the most recent ones that I have received, one was on Friday, September 1<sup>st</sup>. This came out from the Adjunct General of the Army. It was through my AKO account, the email account that the Army does use, that's Army Knowledge on line. And this is what Mr. Carey had referred to earlier. Each Service does have their own email addresses and email services. This is encouraging every soldier to go out and vote and explaining different ways that they can vote, whether they're overseas or within the United States -- One of those being the FPCA. The second one was an initiative from our Secretary of State in Iowa, Secretary Colver. And this is a mailing that he has done. We have had a large number of Iowa National Guard and Reserve soldiers that are deployed in support of Operations Enduring Freedom and Iraqi Freedom. And this particular mailing from the Secretary's office includes contact numbers and email addresses for all the County Auditors or Commissioners of Elections. There is also an absentee ballot request and voter registration form. So lots of nice things. I think they are great initiatives and it's good to see those things put into place and I certainly hope that others Secretaries of State throughout the United States are doing this. I would like to start my testimony and I will go ahead and read this to you. As the County Commissioner of Elections for Montgomery County, Iowa, I was pleased when my Secretary of State staff called to ask my opinion of email voting in the military, and by them and other overseas personnel during the staffs' Preliminary Assessment of the Email Voting Process. I was absolutely ecstatic when I was asked to participate in a press conference with Iowa Secretary of State, the Director of the Federal Voting Assistance Program, and the Deputy {Adjutant} General of the Iowa National Guard in Des Moines, Iowa, on August 24, 2006, as the secretary announced that Iowa would be the seventh state in the nation to accept ballots by email from military and

overseas personnel. The implementation of this program in Iowa excited me not only because I am a Commissioner of Elections, but also because I served as an Army National Guard Transportation Company Commander in Operations Enduring and Iraqi Freedom from February 2003 to April 2004. As my Company ran transportation missions throughout Kuwait and southern Iraq I witnessed firsthand the difficulty soldiers encountered when sending or receiving mail in a combat zone. One of the missions, ironically enough, that my company supported was the pick-up of mail at a mail distribution point in Kuwait. In the early part of the war mail was placed into 20-foot containers and the containers were not scheduled for movement until the container was full. And if you can imagine a 20-foot container, it does take a lot of mail to fill those containers. And they did not move until those containers were absolutely filled. It was not uncommon for us to receive mail from home four to five weeks after it had been mailed. The return for mail going to the U.S. was similar. As the war progressed the system became much better, and by the time we redeployed in April of 2004 mail was reaching us within one to two weeks - one or two weeks is acceptable if you're expecting to receive a care package, but when you're waiting to receive a ballot or send a ballot home, time is of the essence. There are so many constraints to voting in a war zone, that any measure of flexibility is absolutely welcome. Allowing our service men and women to vote by email meets this measure of flexibility and is a wonderful initiative in our election process. Through a former initiative, many States did allow overseas voters to send their ballots by fax when the voter believed the ballot would not be received in time to be counted when sent by conventional mail. This alternative method of voting is helpful, but not always practical. Lower level units existing in remote locations do not always have access to fax machines. My experience while deployed was that I had easier access to the Internet than I did to a fax machine. The email voting process will be similar to voting by fax, but I believe it will reach a greater number of voters in remote locations. My Company was assigned to Camp {Arifjan}, Kuwait, and that I would have to say is probably one of the better facilities located in the Middle East. And even being located in such a wonderful camp as Camp {Arifjan}, my Company still did not have access to a fax machine. The fax machine was located in a highly secured building, and I had the security clearance to go into this building, but many of my soldiers would not have been allowed to go into this building. So

for even someone located in a highly populated camp, we didn't have access to a fax machine. So I can't imagine the companies that are split and divided into platoons, or even down to teams and located in remote locations of Kuwait or Iraq, for them to be able to have any chance of accessing a fax machine. However, email is pretty much anywhere you will go because of MWR, or Morale, Welfare, and Recreation you do have access to a computer terminal. So you may have to wait in line for two to four hours to get onto that computer terminal, but you will have access to it. Several concerns were expressed after the announcement that I would be accepting ballots by email from these voters in remote locations. One concern that was expressed was that by allowing someone to vote by fax or email, how do we protect the voter's privacy? The voter is not guaranteed privacy when returning a ballot by fax or email. The voter must fill out a Secrecy Waiver Cover Sheet when returning the ballot. However, as an election official it is my responsibility to ensure that when the ballot is received I maintain the privacy of that voter to the best of my ability. A second concern is how do we know that the ballot has not been tampered with during transmission? The email or fax transmission would be difficult to alter, but as an added safety measure the voter is required to mail the original ballot to his or her election commissioner. If necessary the original ballot can be compared to the ballot received by fax or by email. I am sure there will continue to be concerns as new voting methods are implemented. Each State's elections processes are continually evolving. It is important to allow flexibility in voting for those that are living in geographical areas outside of the United States as long as the chosen voting method is balanced with checks that will allow for the determination of tampering or fraud. The email voting process may cause a minimal amount of additional work for election commissioners and their staffs, but is the very least we can do to protect the vote of our service members overseas. As a County Commissioner of Elections, I fully support any steps that will allow our service members to participate in our democratic process, especially when they are the ones defending our democracy. And I would like to end by stating that last Friday I did receive my first FPCA from a young active duty Marine who is currently at sea on his way to the Middle East requesting an email ballot. And this will be the first one that Montgomery County sends out. Thank you very much.

DRGREGORIO: Thank you, Ms. Ernst, for your testimony and for your personal experience. And we certainly hope that you are successful this fall in getting several voters to participate in that project. Let me turn to Commissioner Hillman. We have about four or five minutes each for questions to end at 3:30, so I'll go with you first.

HILLMAN: Okay. I have a two-part question and I'll just ask the panelists to be as brief as you can, considering I've got short time. And this is following up on two things I heard. One is that with military for the most part, when you get an email address it stays the same no matter where you may be. And I have also heard before today that some military stationed overseas had quicker access to Internet than they did to a fax machine. So, with that background, the question for each of you is - do you flag your UOCAVA voters once you know they're UOCAVA on your list? And would it be feasible for you to be able to confirm their whereabouts interest in absentee voting by email to be able to have cleaner addresses and lists? Starting with Ms. Byers?

BYERS: Yes. We do flag the UOCAVA voters in our system. And I think if we did have an email address from that voter we could confirm their address and get that ballot sent to them. As a matter of fact, we just sent out today another correspondence to our local election authorities siting section of the FVAP website because we are starting to get many, many phone calls asking how can we get an up-to-date address on these voters. So I think that would be something that they would utilize.

HILLMAN: So, that might be in addition to the form they fill out, would be an email address?

BYERS: Hmhm.

HILLMAN: Ms. Hollarn?

HOLLARN: Well, I think that the fact that there is a universal email address for somebody within the system, if I am correct, Major. That is not the case of them

communicating with us. Most of our emails that come from military members serving on the bases are normally - it usually says eglin.af.mail or luke.af.mail or pope-whatever it is, you can tell by the email address where they are located. But there are many of them that use their personal email to send it to us, so we don't have that universal email that would follow that person everywhere. I can think of maybe very few isolated times we ever get that email, because that's basically internal. It's like using a DSN line versus the outside lines. The other thing I'd like to mention is there is a difference between sending your ballot back by email and actual Internet voting. Those two things...

HILLMAN: Right. No I'm not confusing that, I'm just talking about finding that person to say, "Please verify your current address so that we can mail information..."

HOLLARN: We do. And that was an issue with us in 2000. Because as you know, we are under a consent order from Justice still since 1982, that we have to accept overseas ballots for ten days after either a presidential preference primary or the general election, not our primaries just the general. And because of the vast deployments in 2000, cause the USS Cole had just been bombed and our Special Forces at Hurlbert, there were many deployed at that time, as well as the war fighters from the Wings On Eglin. The fact is that they requested their ballots without knowing where they were going. So the address we put on them was their Hurlbert field address, or their home address in Niceville or wherever it was. And yet they took their ballots with them or they were sent with them by the way I told you before. And they came back from overseas, and of course the big question is the postmark because regardless of whatever the law says, they are not coming back with a postmark because they are prepaid envelopes so they don't really have to have it. So we go by the date as well of them signing it. And one side of the issue in 2000, the Bush versus Gore, they didn't want us to count them because that address back there on the front of the envelope said they were living in the county. And I said, "But these people were overseas." So I did verify at that time, that was the only time it was an issue. Through the commands, through the people on the military bases, that those people were not physically present in the county, they were overseas. But they could not divulge where those people were. And so our canvassing board accepted them on the basis of the word, because they were not there. I mean, I

rode up in the elevator with half a dozen over one day, and I asked them where they were going - they said they'd have to kill me if they told me, you know. But the fact is that tracking down those addresses is probably the most difficult thing. It takes a lot of effort. One of the advantages that we have is everybody that works for me is military-related somehow. So if we see an address from Spokane, Washington, we know it's Fairchild. And we know where all the bases are. We have that kind of knowledge in-house and we can start making phone calls and find out where they are.

HILLMAN: Thank you. Do you have anything to add, Ms. Ernst?

ERNST: I do. We also do flag our UOCAVA voters. And it is true that we do have email addresses that will follow us. And that's where the personal responsibility of that service member comes into play because, yes, we do have multiple email addresses. I myself have a National Guard Bureau address that's specific to Iowa. And I also have an Army Knowledge Online email address. That is the one that will follow me no matter where I go, what duty assignment I have, what unit I am assigned to, no matter where I live. That one I will have access to, even through retirement. Many retired service members still have an AKO address. So that is something that probably needs to be looked at. And as it comes in, as the FPCAs come in, making sure that we have their universal address, not a home email address or one that is specific to an Air Force base such as Eglin or an Army post such as Fort Benning. We need to have the universal email address.

HILLMAN: Thank you. Thank you, Mr. Chairman.

DEGREGORIO: Thank you. Commissioner Davidson?

DAVIDSON: I'm going to get brave and ask one question. By hearing that a lot of States have less than 45 days, if Congress decided they wanted to change the law and say that anybody was less than 45 days in mailing out their ballots to any of the military or overseas that you had to email or do something else, would the State - and I look at the one

State official that we have - because the States have always fought for their rights to set their own laws. Would the States help support that because of the issues that we're trying to address and making sure that these people, over three million people, can vote?

BYERS: Well, I would think that would be definitely something we would want to look at and put forth in front of our legislature. It's hard to say how they're going to react to some of those things. Just since I've been a local election authority we've had several initiatives relating to military voting. And depending on the makeup of the legislature, some have gone forward and some have just been dropped very quickly. So it would take a lot discussions with them to move that forward.

DAVIDSON: I mean, seeing that there is things that they could do with getting the ballots to the overseas, I just wondered how you felt. Pat, how about the rest of you?

HOLLARN: Well, I think because we have lived for 20 years - more than 20 years - with the 45-day rule for general elections, 35 days for primary, 45 days for general. I don't think, on this particular issue alone, that we would have - as a matter of fact I intend to go back and lobby for it in the State law - and I'm holding to the 45 days personally in my office for that reason because I know that it's important. In Florida it would not really be a problem, I don't believe. And if, unfortunately Governor Bush is going out of office, but he has been so pro-military that it would have been possible. But it's hard to say what's going to happen after this election.

ERNST: Yeah, I'm going to have to say "ditto" with Pat - I think 45 days is adequate, and to change that - I can't certainly speak for anybody at the State level, but it is doable at our local level.

BYERS: I think that could be a very minor amendment to have a - that that would have to be accepted, I really do.

DAVIDSON: Okay. Thank you.

DEGREGORIO: Thank you, Commissioner Davidson. And I'm really not going to ask a question because time is short and I want to make sure my colleagues make their flights back to where they need to go and where you all need to go today, too. So I just want to thank you all for your testimony. We heard in Panel 1 and both in Panel 2 the difficulty that overseas voters and military voters have in participating in our democracy. We have heard about the disenfranchisement of overseas and military voters. And, we really don't want to see anyone disenfranchised - whether they're overseas voters, military voters, or any voter in American society. But you all have enlightened us on some of the practices and some of the good practices that you have taken upon yourself to do in your States and in your local election authorities. And Pat here, you know the law says 35 days, but you know, you're going to stick to 45 days. You know, and that's the kind of attitude that we'd like to see across the whole country, but we know it's not quite there. Because when we see these high numbers, these numbers of disenfranchised voters, it's concerning to all of us. And that's one reason why we wanted to talk about this subject today. And next week I'm going to have the opportunity to talk to the Senate Armed Services Committee, and perhaps I can - they want me to summarize the testimony that I've heard today from all of you. And I'm going to do my best to do that, cause they only give us five minutes to do that in front of them, but we're going to provide written testimony. And your testimony will be part of the Senate record that I submit next week. I just want to assure you that. And I know that the Federal Voting Assistance Program is also working, too, with their IVASC program and others to find creative ways to use the Internet to allow people to participate in elections. And I know that Bob Carey has advocated for that, and the National Defense Committee has talked about that need, too. So we're going to be continuing to look at those issues and highlighting. And certainly in 2006 when we go through this election in the next 47 days and see not the results of who won and who lost, but who was able to participate and who was not able to participate because of certain problems that we have with our laws and our rules and regulations that perhaps we can talk to Congress about this, about taking a look at, that if Federal legislation needed to provide better enfranchisement for military and overseas voters. So thank you, three, and thank our other panelists who have spoken today. And I want to thank all



of you who are out there and who have sat through this long day with us. I know that Darrel Piggy was here and he just left. I know he represents Congressman Lacy Clay whose district I know we're in right now. So we appreciate Darrel coming today. I want to remind everyone that comments from the public are always welcome, and please feel free to submit them to us at [havainformation@eac.gov](mailto:havainformation@eac.gov) or toll free at 1-877-747-1471. I also remind you that today's meeting will be presented on video at our website in about a week or so. You can tell people and we're certainly going to let people know that it's out there because there's been excellent testimony provided to us today. And I want to also thank again the University of Missouri-St. Louis for hosting us here on their campus, and particularly Karen Pierce. Karen, would you just raise your hand back there? Karen is somebody I've known for a long time. And she was a military voter. Karen was a military voter for years, if I recall. And so I appreciate your participation and your support of our efforts here today. My fellow Commissioners, I don't know if you have any final comments before I close the meeting.

HILLMAN: No, just to thank all the panelists even those who are not here right now for the wonderful day.

UNKNOWN: I agree with that. It's been great, thank you.

DEGREGORIO: It's been an honor for me. I don't know how long I'm going to be on this commission. It might be a few weeks, it might be a few more months but it's certainly been an honor for me to have the opportunity to chair meeting here in my hometown of St. Louis and to have many of you out there who I've known for years but {unintelligible} and participate in our panel to today. Thank you and with that, the meeting is adjourned. Thank you.